

## **REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

By this Amendment, claims 9 and 16 are amended.

Claims 1-9 and 12-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park (Korean Patent Application No. 2000-0000244, "Park"), in view of Hong Park (Korean Patent Application No. 1999-0055454, "Hong Park"), and further in view of Kim (KR2002040481A). In addition, claims 10, 11, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Hong Park, Kim and Chavez, Jr. et al. (US 6,603,844). These rejections are respectfully traversed.

Claim 1 is patentable over the asserted combination of references for the following reasons.

First, claim 1 recites furnishing a call-receiving exchanger with second information before a call sending is tried from the call-sending terminal to the call-receiving terminal. Park, on the other hand, appears to only disclose wherein information is obtained by signaling between a service control point (SCP) and an intelligent peripheral (IP) after a call sending is tried.

Second, claim 1 recites a step wherein a sound providing means determines a tone-replacing sound based on received subscriber identification information. This step is distinguished from Park in that Park appears to disclose wherein the IP asks the SCP for types of the replacing sound and the SCP extracts the ID of the replacing sound based on the mobile identification number (MIN). That is, unlike Applicants' method wherein the sound providing means determines the tone-replacing sound, the SCP of Park selects the replacing sound.

Third, claim 1 recites wherein different ringback tone (RBT) replacing sounds are provided to the call-sending terminal according to the state of the call-receiving

terminal. Park, on the other hand, appears to only disclose providing an RBT-replacing sound.

Fourth, Applicants recite wherein the call-receiving exchanger determines whether to replace a convention RBT. This feature is distinguished from park in that Park appears to disclose wherein the call-sending terminal determines whether to replace the RBT.

Claim 2 is similar to claim 1 and, in addition to the above presented arguments, is further distinguished from the asserted combination of references because it recites wherein the call-receiving exchanger receives the second information from the HLR (Home Location Register), and the call-receiving exchanger and the sound providing means are connected based on the second information. Hong Park, on the other hand, appears to only disclose wherein the call-sending exchanger has the routing information sent to the sound providing means, and the call-sending exchanger and the sound providing means are directly connected to each other.

Still further, Applicants recite wherein the state of the call-receiving terminal is determined by the call-receiving exchanger, the state information is provided to the sound providing means, and the sound providing means selects a sound corresponding to the state information. Hong Park, on the other hand, appears to only disclose wherein the state of a receiving phone is determined by the call-sending exchanger (*see* pages 21, line 24-page 22, line 7), and a sound corresponding to the state of the receiving phone is extracted from the call-sending exchanger.

Based upon the above presented arguments, Applicants respectfully submit that the asserted combination of references presents no apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements of independent claims 1 and 2. Therefore, Applicants respectfully submit that the asserted combination of references fails to disclose a method of providing an arbitrary sound to replace a conventional tone in a communication network as recited in claims 1 and 2.

Claims 3-9 and 12-16 depend variously from claims 1 and 2 and are likewise allowable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite.

For example, claims 8 and 15 recite wherein:

the sound providing means determines the tone-replacing sound based on at least one of an identity associated with the call-sending terminal, which group the call-sending terminal belongs to among several groups classified by a user of the call-receiving terminal, calling time, and/or call state. (Emphasis added).

Applicants respectfully submit that the combined disclosures of Park, Hong Park, and Kim present no apparent reason to combine references or modify prior art to render obvious at least this features of claims 8 and 15.

At page 10 of the Office Action, the Examiner asserts that Park discloses, at page 5, lines 12-18, wherein the sound means determines the tone-replacing sound based on an identity associated with the call sending terminal. Applicants respectfully disagree.

At the cited text, Park appears to only disclose wherein the SCP (500) queries the kind of alternative sound of the mobile identification number (MIN) of the reception subscriber, wherein the reception subscriber is understood to be the called subscriber. Nowhere does Park appear to suggest that the tone replacing sound is based upon the identity of the call-sending terminal, as recited in claims 8 and 15.

Furthermore, Applicants respectfully submit that notwithstanding the assertions of the Examiner, tables 1 and 2 of Hong Park appear to only disclose which call progress tone or message to insert based upon call status. Nowhere does Hong Park disclose, teach, or suggest that the sound providing means determines the tone-replacing sound based on a predetermined calling time.

Regarding dependent claims 9 and 16, these claims are amended to more clearly recite “wherein a message to request the trunk connection to the sound providing means includes “called-identification and caller-identification information,” (emphasis added). The Examiner asserts that at page 4, lines 22-27, and page 5, lines 12-18, Park as modified by Hong Park discloses this feature. Applicants respectfully

disagree. At the cited text, Hong Park appears to only disclose wherein the switching system provides various call states and called party conditions, and nowhere suggests wherein a message includes "called-identification and caller-identification information," as recited by Applicants.

Regarding the rejection of claims 10, 11, and 17 over Park, Hong Park, and Kim as applied to claims 1 and 2, Applicants respectfully submit that notwithstanding any disclosure of Chavez regarding communication with a web server operating on internet protocol, Chavez fails to remedy the above identified deficiencies of Park, Hong Park, and Kim as regarding claims 1 and 2. Accordingly, claims 10, 11, and 17 are likewise allowable over the asserted combination of references.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
**LOWE HAUPTMAN HAM & BERNER, LLP**  
/Yoon S Ham/  
Yoon S. Ham  
Registration No. 45,307

Customer Number: 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
YSH/ERM  
Date: May 6, 2008